

## REMARKS

By virtue of this amendment claim 1-15, 22-25, 27-31, 33, and 34 are pending in this application. No new matter has been added by this amendment and response. Claims 1, 13, 22, 23, and 31 have been amended.

In an April 3, 2006 Final Office Action, the period for which to respond extends until July 3, 2006, the Examiner rejected the claims of the present application. In particular, the Examiner rejected claims 1-4, 6-15, and 22-34 under 35 U.S.C. § 103(a) as being unpatentable and obvious over United States Patent 4,739,994 ("Lewis") in view of United States Patent 545,022 ("Jackson"). The Examiner also rejected claims 1-4, 6-15, and 22-34 under 35 U.S.C. § 103(a) as being unpatentable over Lewis in view of United States Patent 391,994 ("Von Floton"). The applicants respectfully traverse the rejections.

### Regarding the rejection under 35 U.S.C. § 103(a) to Lewis and Jackson

The Examiner rejected claims 1-4, 6-15, and 22-34 under 35 U.S.C. § 103(a) as being unpatentable over Lewis in view of Jackson. The applicants respectfully traverse the rejection.

As an initial matter, the Examiner admits that Lewis does not disclose a tapered portion below the head. The applicants respectfully thank the Examiner for this admission. Rather, the Examiner relies on Jackson for the disclosure of a metal tube with a taper. However, Jackson relates to a method of forming from a relatively short metal tube a relatively long, tapered wrought-metal tubes. (See Jackson at lines 43-44). In particular, Jackson relates to tapering, for example, "trolley-poles, electric poles," and the like. Thus, it is respectfully submitted that one of ordinary skill in the art would of relatively short sport shafts would refer to Jackson for anything, let alone a method of tapering a pole. Moreover, there is no indication that the methodology of Jackson could be used on a relatively short metal tube as the process relates to lengthening a short tube into a long tube.

Be that as it may, claim 1 has been amended and recites a combination of elements including, for example, "a tapered portion disposed on the elongated body portion, the tapered portion located proximate a head receiving portion and sufficiently removed from the head receiving portion to allow hand placement

without contacting the head receiving portion,” which is not disclosed by the references. In particular, as the written description of the present invention makes clear, placement of the tapered portion may be to facilitate grip or power. (see the above referenced application at, for example, paragraph 20, paragraph 25, and the like). As anyone who has played lacrosse would recognize, the tapered portion would need to be proximate the head end or the butt end of the shaft. Moreover, to accommodate the rules of lacrosse (which rules were previously provided for the office to take notice of), the hand must be removed from the head frame. Jackson conversely has not indication of where a tapered section should be but rather simply that one should exist for weight reduction. At most, Jackson discloses a tapered section located about the middle of the long shaft, a place typically not gripped by a player when passing, shooting, or cradling. Thus, it is respectfully submitted that amended claim 1 is not disclosed, suggested, or taught by either Lewis or Jackson either alone or in any reasonable combination thereof. Withdrawal of the pending rejection of claim 1 in view of Lewis and Jackson is respectfully requested.

Amended claims 13, 22, 23, and 31 contain recitations similar to amended claim 1 and, at least by virtue of the similarities, are not disclosed by either Lewis or Jackson either alone or in any reasonable combination thereof. The applicants respectfully request the withdrawal of the rejection of claims 13, 22, 23, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Lewis in view of Jackson. Claims 2-4, 6-12, 14, 15, 24-30, and 32-34 depend directly or indirectly from one of claims 1, 13, 23, and 31 and, at least by virtue of the dependency, are not disclosed by Lewis or Jackson either alone or in any reasonable combination thereof. Thus, the applicants respectfully request the Examiner withdraw the pending rejections of claims 2-4, 6-15, and 22-34 as being unpatentable in view of Lewis and Jackson.

Regarding the rejection of claims 2, 3 and 30, the Examiner relies on Jackson to disclose “a tapered head.” However, the recitation is “a tapered head receiving portion.” Jackson, as explained above, relates to metal tubes for trolley and electric poles. Jackson is completely silent regarding connecting anything to

either end of the metal tube. Moreover, Jackson to the extent it shows an inward taper toward the middle of the tube, does not disclose an outward taper extending beyond the original diameter of the tube. Thus, it is respectfully submitted that Jackson does not disclose “a tapered head receiving portion.” Withdrawal of the rejection in view of Lewis and Jackson with respect to claims 2, 3 and 30 for at least this additional reason is respectfully requested.

Regarding claim 8, the written description specifies the taper is at a convention, standard, or normal gripping portion of a sports shaft. While different shafts, for example, a defensive shaft vs. an offensive shaft, would have different hand positions, it is well within the skill of the art to know what a standard hand position is and in no case is it the center of the shaft. Thus, Jackson, which at most discloses a taper located in the middle of the tube, does not disclose a taper at a standard hand position. Withdrawal of the rejection in view of Lewis and Jackson with respect to claim 8 for at least this additional reason is respectfully requested

The Examiner rejected claims 9, 13-15, 22-25, and 27-31 under 35 U.S.C. 103 (a) in view of the art as cited above in further view of a publication, Plastidip. The Plastidip publication does not cure the defects in the references noted above. Thus, withdrawal of the rejection is respectfully requested.

Regarding the rejection of claim 9, the Examiner refers to Lewis at column 8, lines 31-45, for disclosure of a rubber coating. The rejection is not understood as Lewis does not have a column 8. Clarification is requested. Moreover, the only rubber disclosure in Lewis is a rubber end cap fitted over the butt end of the shaft. Lewis has no mention of a gripable coating or rubberize paint. For at least this additional reason, claim 9 is not disclosed by Tucker or Lewis in any reasonable combination.

Regarding the rejection under 35 U.S.C. § 103(a) to Lewis in view of Von Floton

The Examiner rejected claims 1-4, 7,-10, 12-15, and 22-34 under 35 U.S.C. § 103(a) as being unpatentable over Lewis in view of Von Floton and official notice. The applicants respectfully traverse the rejection.

As an initial matter, it is respectfully submitted that Von Floton is non-analogous art. In particular, the claims of the present application all relate to “sport shafts.” Von Floton, similar to Jackson above, relates to forming metal tubes. Even assuming one of ordinary skill in the art would refer to Von Floton, Von Floton only shows a taper on the metal tube originating from an end of the tube and extending a substantial distance along the tube. To the extent the reference is analogous, this is similar to the connections in Lewis, which also originates at an end of the tube and extends into the tube. Conversely, claim 1 recites, for example, recites a combination of elements including: “a tapered portion disposed on the elongated body portion, the tapered portion located proximate a head receiving portion and sufficiently removed from the head receiving portion to allow hand placement without contacting the head receiving portion,” which is not disclosed by Von Floton. Rather, Von Floton at most discloses a tapered portion originating at one end of the tube. Thus, for at least this additional reason, claim 1 is not disclosed by Lewis or Von Floton either alone or in any reasonable combination thereof.

In view of the foregoing, the applicants respectfully request the Examiner reconsider and withdraw the pending rejection of claim 1 in view of Lewis or Von Floton. Amended claims 13, 22, 23, and 31 contain recitations similar to amended claim 1 and, at least by virtue of the similarities, are not disclosed by Lewis or Von Floton either alone or in any reasonable combination thereof. The applicants respectfully request the withdrawal of the rejection of claims 13, 22, 23, and 31 under 35 U.S.C. § 103(a) as being unpatentable over Lewis or Von Floton. Claims 2-4, 7-10, 12, 14, 15, and 24-34 depend directly or indirectly from one of claims 1, 13, 23, and 31 and, at least by virtue of the dependency, are not disclosed by Lewis or Von Floton either alone or in any reasonable combination thereof. Thus, the applicants respectfully request the Examiner withdraw the pending rejections of claims 2-4, 7-10, 12, 14, 15, and 24-34 as being unpatentable in view of Lewis or Von Floton.

Reconsideration and allowance of claims 1-15, 22-25, 27-31, 33, and 34 of this application is respectfully requested.

If an extension of time under 35 C.F.R. § 1.136 is required to obtain entry of this Amendment, such an extension is requested. If there are fees due under 37 U.S.C. §§ 1.16 or 1.17 which are not otherwise accounted for, please charge our Deposit Account No. 08-2623.

Respectfully submitted,



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